

110TH CONGRESS
1ST SESSION

H. R. 725

To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2007

Mr. BURTON of Indiana (for himself, Mr. HUNTER, Mr. RADANOVICH, Mr. INGLIS of South Carolina, Mr. FRANKS of Arizona, Mr. AKIN, Mr. GARRETT of New Jersey, Mr. PENCE, Mr. NORWOOD, Mrs. EMERSON, Mr. SOUDER, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. McCAUL of Texas, Mr. BACHUS, Mr. DOOLITTLE, Mr. GOODE, Mr. GINGREY, Mr. McKEON, Mr. HERGER, Mr. HAYES, Mrs. JO ANN DAVIS of Virginia, Mr. CHABOT, Mr. MILLER of Florida, Mr. PITTS, Mr. CAMPBELL of California, Mr. ROGERS of Michigan, Mr. FORTUÑO, Mr. McCOTTER, Mr. ALEXANDER, Mr. HENSARLING, Mr. BARTON of Texas, Mr. CALVERT, Ms. GINNY BROWN-WAITE of Florida, Mr. SAM JOHNSON of Texas, Mrs. CUBIN, Mr. SALI, Mr. RENZI, Mr. POE, Mr. JONES of North Carolina, Mr. KINGSTON, and Mr. SHIMKUS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans’ Memorials,
5 Boy Scouts, Public Seals, and Other Public Expressions
6 of Religion Protection Act of 2007”.

7 **SEC. 2. LIMITATIONS ON CERTAIN LAWSUITS AGAINST**
8 **STATE AND LOCAL OFFICIALS.**

9 (a) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—
10 Section 1979 of the Revised Statutes of the United States
11 (42 U.S.C. 1983) is amended—

12 (1) by inserting “(a)” before the first sentence;

13 and

14 (2) by adding at the end the following:

15 “(b) The remedies with respect to a claim under this
16 section are limited to injunctive and declaratory relief
17 where the deprivation consists of a violation of a prohibi-
18 tion in the Constitution against the establishment of reli-
19 gion, including, but not limited to, a violation resulting
20 from

21 “(1) a veterans’ memorial’s containing religious
22 words or imagery;

23 “(2) a public building’s containing religious
24 words or imagery;

1 “(3) the presence of religious words or imagery
 2 in the official seals of the several States and the po-
 3 litical subdivisions thereof; or

4 “(4) the chartering of Boy Scout units by com-
 5 ponents of States and political subdivisions, and the
 6 Boy Scouts’ using public buildings of States and po-
 7 litical subdivisions.”.

8 (b) ATTORNEY’S FEES.—Section 722(b) of the Re-
 9 vised Statutes of the United States (42 U.S.C. 1988(b))
 10 is amended by adding at the end the following: “However,
 11 no fees shall be awarded under this subsection with re-
 12 spect to a claim described in subsection (b) of section nine-
 13 teen hundred and seventy nine.”.

14 **SEC. 3. LIMITATIONS ON CERTAIN LAWSUITS AGAINST THE**
 15 **UNITED STATES AND FEDERAL OFFICIALS.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
 17 sion of law, a court shall not award reasonable fees and
 18 expenses of attorneys to the prevailing party on a claim
 19 of injury consisting of the violation of a prohibition in the
 20 Constitution against the establishment of religion brought
 21 against the United States or any agency or any official
 22 of the United States acting in his or her official capacity
 23 in any court having jurisdiction over such claim, and the
 24 remedies with respect to such a claim shall be limited to
 25 injunctive and declaratory relief.

1 (b) DEFINITION.—As used in this section, the term
2 “a claim of injury consisting of the violation of a prohibi-
3 tion in the Constitution against the establishment of reli-
4 gion” includes, but is not limited to, a claim of injury re-
5 sulting from—

6 (1) a veterans’ memorial’s containing religious
7 words or imagery;

8 (2) a Federal building’s containing religious
9 words or imagery;

10 (3) the presence of religious words or imagery
11 in the official seal of the United States and in its
12 currency and official Pledge; or

13 (4) the chartering of Boy Scout units by com-
14 ponents of the Armed Forces of the United States
15 and by other public entities, and the Boy Scouts’
16 using Department of Defense and other public in-
17 stallations.

18 **SEC. 4. EFFECTIVE DATE.**

19 This Act and the amendments made by this Act take
20 effect on the date of the enactment of this Act and apply
21 to any case that—

22 (1) is pending on such date of enactment; or

23 (2) is commenced on or after such date of en-
24 actment.

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